

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

In the Matter of

The Complaint of Carolyn Frahm

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Docket No. FCU-2013-0007
(C-2013-0025)

WINDSTREAM'S MOTION FOR CONFIDENTIAL TREATMENT

Windstream Iowa Communications, Inc. ("Windstream"), pursuant to Iowa Code § 22.7(3) and (6) and Iowa Administrative Code § 199-1.9(5)a(1) and (3), requests that Windstream's Report of Iowa data reported to the FCC on Form 480, filed with the Iowa Utilities Board on August 29, 2016 be granted confidential treatment by the Iowa Utilities Board. In support of its Motion, Windstream states as follows:

Windstream's Report of Iowa data includes proprietary business information and trade secrets ("Confidential Information") about Windstream's compliance with the FCC's Rural Call Completion Order. The Confidential Information includes the performance metrics established by Windstream, and a description of how Windstream addresses remedial measures with respect to its intermediate carriers.

The Confidential Information derives independent economic value from not being generally known to, and not being readily ascertainable by proper means by, a person able to obtain economic value from its disclosure or use, and Windstream exercises reasonable care to maintain the secrecy of the Confidential Information. If released to competitors or to the public, this information could cause harm to Windstream's business operations.

Iowa law protects from public disclosure “[t]rade secrets which are recognized and protected as such by law,” as well as “[r]eports to governmental agencies, which, if released, would give advantage to competitors and serve no public purpose.” Iowa Code § 22.7(3) and (6). Iowa Code § 550.2(4) defines “trade secret” to mean information that “[d]erives independent economic value . . . from not being generally known to, and not being readily ascertainable by proper means by a person able to obtain economic value from its disclosure or use” and is the subject of reasonable efforts “to maintain its secrecy.”

Windstream’s Report of Iowa data falls within the categories of information that Iowa law protects from public disclosure. The Report of Iowa data is submitted by Windstream solely for purposes of this administrative proceeding. If released, the information would give advantage to competitors and would serve no public purpose. Iowa Code § 22.7(6).

Wherefore, Windstream requests the Board to enter an order granting this Motion for Confidential Treatment and directing that Windstream’s Report, filed under seal and marked “Confidential”, be withheld from public inspection pursuant to Iowa Code §§ 22.7(3) and (6) and Iowa Administrative Code § 199-1.9(5)a(1) and (3). An affidavit of Mike Shippey in support of this motion is attached hereto.

Respectfully submitted

BELIN McCORMICK, P.C.

By /s/ Richard W. Lozier, Jr.

Richard W. Lozier, Jr.

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ATTORNEYS FOR WINDSTREAM IOWA
COMMUNICATIONS, INC.

PROOF OF SERVICE

I hereby certify that the foregoing document was automatically served electronically on all parties registered with the Electronic Filing System on: August 29, 2016.

Signature: /s/ Lori McKimpson

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**WINDSTREAM’S AFFIDAVIT IN SUPPORT OF
MOTION FOR CONFIDENTIAL TREATMENT**

1. My name is Mike Shippey. I am the President – Carrier of Windstream Iowa Communications, Inc. (“Windstream”).

2. In response to the Order dated July 28, 2016, Windstream is filing with the Board its Iowa data (“Confidential Information”) that it provides to the FCC on Form 480 pursuant to the FCC’s Rural Call Completion Order that went into effect on April 1, 2015. The data Windstream provides to the FCC, including the Iowa data, is a trade secret and constitutes confidential and proprietary information to Windstream.

3. The Confidential Information includes Windstream’s performance metrics established by Windstream with respect to rates of rural call completions by OCN, state and jurisdiction.

4. The Confidential Information derives independent economic value to Windstream, is not generally known to and not readily ascertainable by proper means by Windstream’s competitors. The Confidential Information contains competitively sensitive information, is confidential and proprietary and constitutes trade secrets for Windstream.

5. Windstream does not disclose the Confidential Information publicly and takes reasonable measures to prevent the public disclosure of the Confidential Information.

Windstream has filed its Motion for Confidential Treatment of the Confidential Information seeking to protect the Confidential Information from public disclosure.

6. If released to its competitors, the Confidential Information would cause harm to Windstream's methods of doing business with respect to rural call completion failures.

/s/ Mike Shippey

Mike Shippey

State of Arkansas)
) ss:
County of Pulaski)

Subscribed and sworn to before me this 29th day of August 2016.

/s/

Notary Public